

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23074 of 2004

Between:

Sk. Masthan Vali, S/o. Mahaboob Saheb,
R/o. Markapur [V], Markapur [M], Prakasam District.

..... PETITIONER

AND

- 1 Joint Collector, Prakasam District at Ongole.
- 2 Revenue Divisional Officer, Markapur, Prakasam District .
- 3 Mandal Revenue Officer, Markapur,[M] Prakasam District .

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the order of the 1st respondent in Rc CS2/4595/2004, dt. 22-11-2004 thereby rejecting petitioner's stay petition against operation of order of 2nd respondent issued in Rc H/1839/2004, Dt. 13-10-2004 is illegal, irregular and violative of Art 14, 19 and 21 of the Constitution of India and A P Schedule Commodities (Regulation of Distribution by Card System) Order 2001 and set aside the same and consequently direct the respondents to continue him as fair price shop dealer for shop No.8 of markapur Town, Prakasam District pending disposal of the appeal on the file of 1st respondent in the interests of justice.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

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ORDER:

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The authorization of the petitioner was cancelled by the Revenue Divisional Officer on certain allegations. Petitioner preferred an appeal before the Joint Collector, aggrieved by the order of cancellation, together with an application for grant of stay. The grievance of the petitioner is that the appellate authority rejected the stay petition without assigning any reasons.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner was issued a show cause notice, and on consideration of the explanation submitted in pursuance of the same, the authorization was cancelled. The question as to whether the order of cancellation suffers from any illegality or infirmity, needs to be considered in the appeal. This Court is not inclined to permit the petitioner to function as the fair price shop dealer, pending disposal of the appeal. The interest of the petitioner can be protected by directing that no regular appointment be made in the meanwhile.

Hence, the writ petition is disposed of directing that the appellate authority shall pass appropriate orders in the appeal preferred by the petitioner, within six weeks from the date of receipt of a copy of this order. It is further directed that no permanent dealer shall be appointed in the place of the petitioner till the disposal of the appeal. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 13th December, 2004

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To

- 1 Joint Collector, Prakasam District at Ongole.
- 2 Revenue Divisional Officer, Markapur, Prakasam District .
- 3 Mandal Revenue Officer, Markapur,[M] Prakasam District .

4.2CCs to G.P. for Civil Supplies, High Court Buildings,

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